THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.15455 OF 2004

Dt.28.11.2005

Between:

All India Crochet Lace Exporters Association,
West Godavari District, rep. by its General
Manager. … Petitioner

And

The Regional Provident Fund Commissioner-II,
Rajahmundry, East Godavari District and
Another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

The petitioner, who is an All India Crochet Lace Exporters Association, seeks to issue writ of mandamus restraining the Provident Fund authorities from invoking any of the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act') to the members of the petitioner association as illegal and arbitrary.

The petitioner himself is not a juristic person to pay the Provident Fund contributions and it is for the individual employer or organization to comply with the relevant provisions of the Act. Therefore, it is for

the individuals to take appropriate action questioning any illegal action of the respondents, but it is not open for the association of the said members to question the action of the respondents stating that the Act has no application to the said organization.

Therefore, I am not inclined to admit the writ petition. It is brought to the notice of this Court that one of the individual members filed W.P.No.24171 of 2004 questioning that the Act has no application. But the said writ petition was disposed of on 18.11.2005 with a direction to the petitioner therein to file an appeal before the appellate authority under Section 7-A of the Act.

In view of the same, the writ petition is dismissed with liberty to the individual members to question the impugned order passed against them.

The writ petition is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

28.11.2005

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